

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

JOHN ANTHONY CASTRO)
12 Park Place, Mansfield, TX 76063)

Plaintiff,)

v.)

SECRETARY OF STATE ANDREW)
WARNER)
1900 Kanawha Boulevard E, Charleston,)
WV 25305)

Case No. 2:23-cv-00598

DONALD JOHN TRUMP)
1100 S. Ocean Blvd, Palm Beach, FL 33480)

Defendants.)

MOTION TO DISMISS WEST VIRGINIA REPUBLICAN PARTY’S COMPLAINT

Plaintiff John Anthony Castro, *pro se*, files this Motion to Dismiss West Virginia Republican Party’s (“WVGOP”) Complaint for Lack of Subject Matter Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) primarily due to lack of standing, Insufficient Process pursuant to Fed. R. Civ. P. 12(b)(4) because no summons has been issued, Insufficient Service of Process pursuant to Fed. R. Civ. P. 12(b)(5) because that was simply never done, and Failure to State a Claim pursuant to Fed. R. Civ. P. 12(b)(6) and states as follows:

West Virginia Republican Party’s ECF 26 filing stated that it was made pursuant to Fed. R. Civ. P. 24(c), which is a Motion to Intervene. However, the document is titled to be a “Complaint” and requests bizarre declaratory and injunctive relief as a third-party complaint pursuant to Fed. R. Civ. P. 14. This is incredibly confusing and beneath the dignity of this Court.

WVGOP is again engaging in frivolous filings that this Court has the power to sanction *sua sponte* pursuant to Fed. R. Civ. P. 11(c)(3) but refuses to control. Due to the time sensitivity nature of the relief Plaintiff is seeking, Plaintiff does not have time for the standard 21-day warning. WVGOP's filings have already exhibited a gross degree of intellectual deficiency, so a warning letter would not produce any results. This Court has a duty to control cases, and all these matters are being carefully documented and will be reported pursuant to 28 U.S.C. § 351(a) to the Chief Judge of the U.S. Court of Appeals for the 4th Circuit where Plaintiff has already filed a *Writ of Mandamus* that is being processed today.

WVGOP does not have standing to bring this case. Plaintiff has exercised his constitutional right to petition the federal judiciary to redress his grievances. WVGOP cannot seek declaratory relief that Plaintiff's relief, if granted, would violate their rights. This is patently frivolous.

REQUESTED RELIEF

Based on all of the foregoing, Plaintiff demands this Court sanction this frivolous complaint disguised as a motion to intervene that is only intended to impede the ability of the federal judiciary to adjudicate Defendant Donald John Trump's constitutional qualifications.

This Court should be ashamed of itself for allowing WVGOP to make a mockery of it.

Respectfully submitted,

Dated: October 18, 2023.

By: /s/ John Anthony Castro

John Anthony Castro
12 Park Place
Mansfield, TX 76063
Tel. (202) 594 – 4344
J.Castro@CastroAndCo.com
Plaintiff *Pro Se*

CERTIFICATE OF SERVICE

On October 18, 2023, I electronically filed the foregoing document via the Court's CM/ECF system. It is further certified that all other parties are CM/ECF users and that service of this document will be made upon them via CM/ECF. If any party has not yet submitted a notice of appearance, service of this document will be made by U.S. postal mail.

/s/ John Anthony Castro
John Anthony Castro